

United States District Court
(SOUTHERN-WESTERN)

Edward Smith

V.

Anthony J. Brigano

CASE NO. 1:01 CV 814 SJD

District Judge Susan J. Dlott

Motion for RECONSIDERATION
8TH 1ST Amendment to U.S. Const.

due process and equal
protection (DOC. 5 EX30)

FILED
JAMES BONINI
CLERK

2004 SEP 21 PM 1:40

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

Motion and Memorandum in Support

Now comes Edward Smith, petitioner, pro se, and hereby moves this Honorable Court to reconsider its decision denying the Petitioner for Wait of Habeas Corpus on his 8TH 1ST Amendment to the U.S. Constitution claim due process and equal protection as "state" prisoners with Rule 26(B) in litigating their direct appeal. *Bound v. Smith*, 430 U.S. 817, 821 (1977) (prisoners retain right of access to courts). Rule 26(B) is unconstitutional.

Petitioner argue and rely on facts presented in his motions presented to prison official for mailing 1ST class postage prepaid on Sept. 13TH 2004 5TH 4TH Amendment, Sept. 16TH 2004. 6TH Amendment

Proof of Service

I Edward Smith filed motion with prison official 1ST class postage prepaid to: Helma T. Price asst OH. Atty. General 150 East Gay St. 16TH Floor Columbus, OH. 43215 on this 17TH day of Sept. 2004

Respectfully Submitted
Edward Smith, petitioner
Edward Smith, petitioner
#346-408 LOREAN Case.

Inst. P.O. Box 120 Lebanon
OH. 45036
Edward Smith, Petitioner
Edward Smith, Petitioner
(Same address as above)